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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,460	06/01/2000	Jonathan Strietzel	252/173	3051

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EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,460

Applicant(s)

STRIETZEL, JONATHAN

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13,33-50,57-66 and 76-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13,33-50,57-66 and 76-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment

2. Applicant's amendment filed on December 28, 2004 has been entered. Claims 13, 33-50 have been amended. Claims 30-32, 51-56, and 67-75 have been cancelled. No claims have been added. Claims 13, 33-50, 57-66, and 76-83 are still pending in this application, with claims 13, 76, and 83 being independent.

Claim Rejections - 35 USC § 103

3. Claims 13, 33-43, 49-50, 57-59, 65-66, 76-77, and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrier et al. (U.S. Patent 5,195,126) in view of Gregorek et al. (U.S. Patent 5,557,658).

Regarding claim 13, Carrier et al. teach an emergency alert database (abstract, lines 13-17 - "second storage") that stores subscriber specific ("personalized message"); and a processing means coupled with the database configured to selectively associate with a destination of an incoming communication and places a call to a series of destination subscriber stations with a personalized message indicating that there is a potential emergency situation (abstract, lines 17-20 and col. 2, lines 42-45 and col. 4, lines 49-53).

Carrier et al. do not teach selecting at least one advertisement in the advertisement database from a group consisting of user preferences, language, communication source, communication type, time of day, communication destination, and geography.

Gregorek teaches an advertisement database (Fig. 4, 60) that stores subscriber specific ("customized menu"); and a processing mean ("message generator") configured to selectively associate, based on one or more factors selected from the group consisting of user preferences ("customized menu selection"), time of day (col. 9, lines 5-10), communication source ("the network address of the first telephone 12 or other device") and geography (col. 9, lines 17-28 and col. 19, lines 53-60), communication types (col. 6, lines 22-26), communication destination ("services provided by a particular corporation or individual" - col. 14, lines 53-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carrier's emergency alert system to couple a processor with the advertisement database, and to route the associated advertisement to the destination. It would be beneficial to be able to productively occupy the time when both the calling and called parties are on the line, and to avoid ^{having} both parties listen to a meaningless or annoying busy signal, a ringback signal, or wait idly while one of the parties station receives another call or processes information.

Regarding claims 33, 35, and 36, Gregorek teaches the processing means is configured to cause the advertisement associated with the source to replace a dial tone that would normally be routed to the source, to be routed to the source prior to

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connecting the source with the destination, and just prior to a dial tone being routed to the source (col. 3, lines 48-56).

Regarding claim 34, Gregorek teaches the processing means is configured to cause the advertisement associated with the source to replace the rings of a ring back signal that would normally be routed to the source (col. 8, line 61 through col. 9, line 4).

Regarding claims 37 and 58, Carrier et al. teach the processing means is configured to selectively associate with the destination with a personalized message indicating that there is a potential emergency situation (abstract, lines 17-20 and col. 2, lines 42-45 and col. 4, lines 49-53). Carrier et al. do not teach the advertisement associated with the destination when the destination does off hook. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carrier's emergency alert system to alert or route advertisement information when the destination goes off hook in order to have a two ways routing advertisement system.

Claim 38 is rejected for the same reasons as discussed above with respect to claim 13. Furthermore, Gregorek teaches the advertisement associated with the source to be routed to the source (col. 9, lines 5-7).

Regarding claim 39, Gregorek teaches the message generator determines the duration in which the announcements are to be played (col. 11, lines 29-31). However, Gregorek does not teach the advertisement associated with the source and the advertisement associated with the destination last the same amount of time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature mentioned above to Gregorek's system in order to stop the

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advertisements at the source and the destination at the same time when call processing is established.

Regarding claims 40 and 41, Gregorek teaches (Fig. 1) a switching center 15 interfaced with the source and the processing means comprises part of the switching center and a router to route the incoming call from the source 12 to the destinations 20 and 28.

Regarding claims 42, 43, and 59, Gregorek teaches the database (Fig. 2, 102) configured to store the user preferences (col. 9, lines 55-61).

Regarding claims 49 and 65, Gregorek teaches the user can access the database to update their user preferences (col. 10, lines 61-65 and col. 19, line 61 through col. 20, line 3).

Claims 50 and 66 rejected for the same reasons as discussed above with respect to claim 31.

Claims 57 and 77 are rejected for the same reasons as discussed above with respect to claim 13. Furthermore, Gregorek teaches at least one advertisement in the advertisement database with the source of an incoming communication (col. 19, lines 53-60).

Claims 76 and 83 are rejected for the same reasons as discussed above with respect to claims 13, 34, and 57.

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4. Claims 44-48, 60-64, and 78-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrier et al. (U.S. Patent 5,195,126) in view of Gregorek et al. (U.S. Patent 5,557,658) and further in view of Kung et al. (U.S. Patent 6,373,817).

Regarding claims 44-48, 60-64, and 78-82, Gregorek teaches the users preferences can be of any particular subject matter (col. 14, lines 50-57). However, Gregorek does not teach the user preferences include the user's age, salary, gender, marital and economic status, political affiliation, and number of children.

Kung et al. teach the announcement server 220 may be utilized to track the user's age, salary ("income") (col. 10, lines 13-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of the user preferences include the user's age, salary, marital status, and number of children in Gregorek's system in order to customize and play the appropriate advertisement to both the calling and called parties.

Response to Arguments

5. Applicant's arguments filed 12/22/04 have been fully considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are addressed in the above claimed rejections.

Applicant argues that regarding claim 34, Gregorek teaches replacing the entire ringback signal with one continuous message that is 5-30 seconds long. This irrelevant to the claimed invention.

Applicant argues that regarding claims 44-48, 60-64, and 78-82, Kung is not directed to advertising via a telecommunication system, and Kung does not disclose associating an advertisement with a destination of an incoming call or replacing ring ones with an advertisement. Examiner respectfully submits that Gregorek teaches an advertisement system via telecommunication system, Carrier teaches an emergency alert database that stores subscriber personalized message; and a processing means coupled with the database configured to selectively associate with a destination of an incoming communication and places a call to a series of destination subscriber stations with a personalized message indicating that there is a potential emergency situation. Examiner cited Kung that teaches the user preferences include the user's age, salary to fill in the above missing elements in Carrier and Gregorek.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.


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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

qhn

Quynh H. Nguyen
February 22, 2005


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